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October 20, 2023

MEMO ENDORSED

Via ECF and E-mail

Hon. Katherine Polk Failla, U.S.D.J.
40 Foley Square New York, NY 10007

Re: *Larball Publishing Company, Inc., et al. v. Dua Lipa, et al.*, No.: 1:22-cv-01872-KPF

Dear Judge Failla:

I write on behalf of the Parties in this matter to respectfully request modification of the current Case Management Order (Dkt. 87). Paragraph 4.b. of that Order requires the Parties to file “if and as appropriate, provisions for the disclosure, discovery, or preservation of electronically stored information (ESI).” Also pursuant to that Order discovery has been bifurcated: expert discovery first, followed by damages discovery if needed.

The Parties agree that no ESI protocol is needed for expert discovery but agree that a protocol might be necessary should the Parties engage in damages discovery. Therefore, the Parties respectfully request that, in lieu of having to negotiate a nuanced ESI protocol now, the deadline for filing such a protocol be held in abeyance, to be revisited as may be needed once the Court decides the anticipated summary judgment motions as to liability.

Respectfully submitted,

/s/ Patrick S. Almonrode

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Application GRANTED. The deadline by which the parties may file, if and as appropriate, provisions for the disclosure, discovery, or preservation of electronically stored information (ESI) is hereby ADJOURNED *sine die*.

The Clerk of Court is directed to terminate the pending motion at docket entry 89.

Dated: October 23, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE